

Application No. 10/788,795

Reply to Final Office action dated April 28, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Cook

Serial No.: 10/788,795

Group Art Unit: 1761

Filed: February 27, 2004

Examiner: PRATT, Helen F.

For: BEVERAGES CONTAINING WATER-SOLUBLE VITAMIN E

Commissioner for Patents

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REQUEST FOR RECONSIDERATION

In Response to the Office Action mailed on April 28, 2006, consideration of this Request for Reconsideration and the following remarks are respectfully requested.

REMARKS

In the Office Action dated April 28, 1006, the sole rejection of claims 1-41 under 35 U.S.C. 103(a) as purportedly obvious based on Lambert et al. (WO 02/076970) in view of Skeffington et al. (2,088,927), Krasavage et al. (J. Agriculture Food Chemistry), Traber et al. (Am. J. Clin. Nutr.) and Argao (J. Pediatric Research) was maintained. Applicant respectfully traverses this rejection.

As an initial matter, Applicant respectfully submits that the Office Action dated April 28, 2006 did not consider and respond to each of the arguments presented in the last Request for Reconsideration. As explained below, the cited art fails to teach or fairly suggest each and every feature of the claimed invention and thus fails to anticipate or render obvious the claimed invention. Moreover, should this rejection be maintained, Applicant respectfully requests the Examiner show in the cited art, by page and line number, where each feature of the claimed invention is taught or suggested.

As stated in the last Request for Reconsideration, Applicant respectfully submits that the combined teachings of the above cited art fail to teach or fairly suggest each feature of the claimed invention. The office action concedes that Lambert fails to teach the use of TPGS in a beverage as well as the claimed tocopherol amounts. The office